
HOUSE BILL 1079

State of Washington 58th Legislature 2003 Regular Session

By Representatives Kenney, Cox, Fromhold, Jarrett, McIntire, Chandler, Miloscia, Quall, Sullivan, Voloria, Chase, Hunt, Pettigrew, Darneille, Conway, Cody, DeBolt, Delvin, Hudgins, Lantz, McDermott, Haigh, Kagi and Mastin

Read first time 01/15/2003. Referred to Committee on Higher Education.

1 AN ACT Relating to resident tuition at institutions of higher
2 education; and amending RCW 28B.15.012.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28B.15.012 and 2002 c 186 s 2 are each amended to read
5 as follows:

6 Whenever used in chapter 28B.15 RCW:

7 (1) The term "institution" shall mean a public university, college,
8 or community college within the state of Washington.

9 (2) The term "resident student" shall mean:

10 (a) A financially independent student who has had a domicile in the
11 state of Washington for the period of one year immediately prior to the
12 time of commencement of the first day of the semester or quarter for
13 which the student has registered at any institution and has in fact
14 established a bona fide domicile in this state primarily for purposes
15 other than educational;

16 (b) A dependent student, if one or both of the student's parents or
17 legal guardians have maintained a bona fide domicile in the state of
18 Washington for at least one year immediately prior to commencement of

1 the semester or quarter for which the student has registered at any
2 institution;

3 (c) A student classified as a resident based upon domicile by an
4 institution on or before May 31, 1982, who was enrolled at a state
5 institution during any term of the 1982-1983 academic year, so long as
6 such student's enrollment (excepting summer sessions) at an institution
7 in this state is continuous;

8 (d) Any student who has spent at least seventy-five percent of both
9 his or her junior and senior years in high schools in this state, whose
10 parents or legal guardians have been domiciled in the state for a
11 period of at least one year within the five-year period before the
12 student graduates from high school, and who enrolls in a public
13 institution of higher education within six months of leaving high
14 school, for as long as the student remains continuously enrolled for
15 three quarters or two semesters in any calendar year;

16 (e) Any student who has graduated from high school in this state or
17 received the equivalent of a high school diploma in this state and who
18 has attended at least three years of high school in this state, however
19 a student who is not a citizen of the United States of America shall
20 submit an affidavit to the institution stating he or she has filed or
21 will file an application for permanent residency in the United States
22 at the earliest opportunity he or she is eligible to do so;

23 (f) A student who is on active military duty stationed in the state
24 or who is a member of the Washington national guard;

25 ((+f)) (g) A student who is the spouse or a dependent of a person
26 who is on active military duty stationed in the state;

27 ((+g)) (h) A student who resides in the state of Washington and is
28 the spouse or a dependent of a person who is a member of the Washington
29 national guard;

30 ((+h)) (i) A student of an out-of-state institution of higher
31 education who is attending a Washington state institution of higher
32 education pursuant to a home tuition agreement as described in RCW
33 28B.15.725; or

34 ((+i)) (j) A student who meets the requirements of RCW
35 28B.15.0131: PROVIDED, That a nonresident student enrolled for more
36 than six hours per semester or quarter shall be considered as attending
37 for primarily educational purposes, and for tuition and fee paying
38 purposes only such period of enrollment shall not be counted toward the

1 establishment of a bona fide domicile of one year in this state unless
2 such student proves that the student has in fact established a bona
3 fide domicile in this state primarily for purposes other than
4 educational.

5 (3) The term "nonresident student" shall mean any student who does
6 not qualify as a "resident student" under the provisions of RCW
7 28B.15.012 and 28B.15.013. Except for students qualifying under
8 subsection (2)(~~(h)~~) (i) of this section, a nonresident student shall
9 include:

10 (a) A student attending an institution with the aid of financial
11 assistance provided by another state or governmental unit or agency
12 thereof, such nonresidency continuing for one year after the completion
13 of such semester or quarter.

14 (b) A person who is not a citizen of the United States of America
15 who does not have permanent or temporary resident status or does not
16 hold "Refugee-Parolee" or "Conditional Entrant" status with the United
17 States immigration and naturalization service or is not otherwise
18 permanently residing in the United States under color of law and who
19 does not also meet and comply with all the applicable requirements in
20 RCW 28B.15.012 and 28B.15.013.

21 (4) The term "domicile" shall denote a person's true, fixed and
22 permanent home and place of habitation. It is the place where the
23 student intends to remain, and to which the student expects to return
24 when the student leaves without intending to establish a new domicile
25 elsewhere. The burden of proof that a student, parent or guardian has
26 established a domicile in the state of Washington primarily for
27 purposes other than educational lies with the student.

28 (5) The term "dependent" shall mean a person who is not financially
29 independent. Factors to be considered in determining whether a person
30 is financially independent shall be set forth in rules and regulations
31 adopted by the higher education coordinating board and shall include,
32 but not be limited to, the state and federal income tax returns of the
33 person and/or the student's parents or legal guardian filed for the
34 calendar year prior to the year in which application is made and such
35 other evidence as the board may require.

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